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U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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11 **Attorney for Plaintiffs, DAVID J. LEE and**  
12 **DANIEL R. LLOYD**

13 **UNITED STATES DISTRICT COURT**

14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 **DAVID J. LEE and DANIEL R. LLOYD,**  
16 **as individuals and, on behalf of others**  
17 **similarly situated,**

18 **Plaintiffs,**

19 **vs.**

20 **CHASE MANHATTAN BANK U.S.A.,**  
21 **N.A., a Delaware corporation, CHASE**  
22 **MANHATTAN BANK U.S.A., N.A. d.b.a.**  
23 **CHASE BANK U.S.A., N.A., JPMORGAN**  
24 **CHASE & CO., a Delaware corporation;**  
25 **and DOES 1, through 100, inclusive,**

**Defendants.**

**Case No.: C 07-4732 MJJ**

**NOTICE OF APPEAL TO THE**  
**UNITED STATES COURT OF**  
**APPEAL FOR THE NINTH**  
**CIRCUIT**

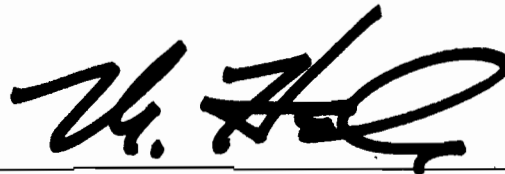
**[REPRESENTATION STATEMENT,**  
**AND CIVIL APPEALS DOCKETING**  
**STATEMENT, AND NOTICE OF INTENT**  
**TO DESIGNATE PORTIONS OF COURT**  
**TRANSCRIPT AND STATEMENT OF**  
**ISSUES, FILED CONCURRENTLY]**

DAVID J. LEE and DANIEL R. LLOYD, the Plaintiffs/Appellants herein, appeals to the United States Court of Appeals for the Ninth Circuit from the final judgment of the District Court, entered in this case on March 17, 2008 (Docketed as No. 50 on March 17, 2008) granting the Defendants' motion to dismiss the Plaintiffs' complaint.

There are two related cases in connection with this appeal: (1) David J. Lee, and Daniel R. Lloyd vs. American Express Travel Related Services, Inc., American Express Centurion Bank, and American Express Bank, FSB, Case No. C-07-4765 (CRB) (N.D. Cal. December 6, 2007), Court of Appeals Record No. 08-15015; and, (2) David J. Lee v. Capital One Bank and Capital One Services, Inc., C-07-4599 (MHP) (N.D. Cal. September 14, 2007).

Dated: April 15, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. S. Hale', written over a horizontal line.

Matthew S. Hale, Counsel  
For Plaintiffs/Appellants

**PROOF OF SERVICE**

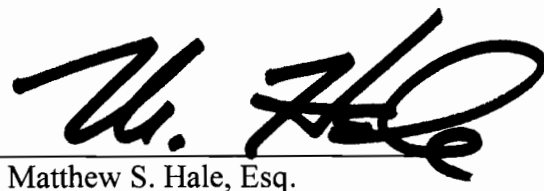
I am employed in the City of Newport News, Virginia. I am over the age of eighteen (18) and not a party to the within action; my business address is P.O. Box 1951, Newport News, VA 23601.

On Tuesday, April 15, 2008, I caused to be served by Federal Express overnight courier the foregoing documents: (1) Notice of Appeal to the United States Court of Appeal for the Ninth Circuit, (2) Representation Statement, (3) Civil Appeals Docketing Statement, and (4) Notice of Intent to Designate Portions of Court Transcript and Statement of Issues.

The foregoing documents were served on:

**Julia B. Strickland**  
**Stroock & Stroock & Lavan, L.L.P.**  
**2029 Century Park East**  
**Los Angeles, CA 90067-3086**  
**(310) 556-5806**  
**jstrickland@stroock.com.**

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on the 15<sup>th</sup> day of April 2008 in Newport News, Virginia.

  
Matthew S. Hale, Esq.